

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICARDO SAMPSON,
Petitioner

v.

Civil Action No. 05-CV-10474-GAO

CARMEN PICKNALLY
Respondent

**MOTION TO DISMISS HABEAS CORPUS PETITION DUE
TO PETITIONER'S DEPORTATION**

The respondents respectfully requests that the Court dismiss the above-captioned habeas corpus petition due to the fact that the petitioner was deported on July 21, 2005. See attached affidavit. The petitioner has not updated the respondent or the court with his forwarding address and has not pursued this habeas action since filing the petition on March 11, 2005. Therefore, the respondent requests that this court dismiss the petition without prejudice in light of the fact that the petitioner is no longer in this country and has implicitly indicated that he does not wish to pursue the habeas corpus petition.

Respectfully submitted,

THOMAS F. REILLY
Attorney General

/s/ Susanne G. Reardon
Susanne G. Reardon, BBO # 561669
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, ext. 2832

Date: October 19, 2005

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DISTRICT OF MASSACHUSETTS**

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AFFIDAVIT OF SUSANNE REARDON

I, Susanne G. Reardon, on oath depose and state as follows:

1. I am an assistant attorney general assigned to represent the respondent in the above-captioned habeas corpus petition.
2. A lawyer, who is not involved in this case, informed me several months ago that the petitioner's deportation was pending.
3. When pleadings sent to the petitioner at his prior address at the Plymouth County House of Correction were returned indicating that the petitioner was no longer there, I decided to investigate whether the petitioner had been deported.
4. On October 18, 2005, I spoke with Agent Jeffrey Morin, an investigator at the Regional Office of the Bureau of Citizenship and Immigration Services in Boston Massachusetts, who informed me that the petitioner had been deported on July 21, 2005. Agent Morin informed me that the paperwork regarding the petitioner's deportation was not yet final so he

did not have any documents that would prove the fact that Ricardo Sampson was deported.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 19th DAY OF OCTOBER, 2005.

/s/ Susanne G. Reardon
Susanne G. Reardon, BBO # 561669
Assistant Attorney General
Criminal Bureau
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